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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,472	01/29/2004	Christopher G. Walls	3962 P 019	3613

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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT	PAPER NUMBER
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3676

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/767,472

Applicant(s)

WALLS ET AL.

Examiner

Suzanne Dino Barrett

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,11-14,16,17,19-24,26 and 28-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,11-14,16,17,19-24,26,28-35 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 1/16/07. These drawings are accepted.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3,5-8,26,28-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 26,28-34, the disclosure is still confusing as to whether Applicant is trying to claim a kit type claim which includes both configurations wherein the adaptor is not used in a first configuration and the adaptor is used in a second configuration, or whether the first and second configurations are used in the same assembly, i.e. the top bolt uses the adaptor and the bottom does not. Although Applicant has refuted this scenario in his remarks on page 12, claim 26 can be interpreted in this manner. It is clear that the invention is in the adaptor and the first configuration claimed "lock assembly structure" is not the same as the second configuration claimed "lock assembly structure". Therefore, since there is only one "lock assembly" set forth in the preamble of claim 26, it must necessarily claim one configuration or the other, not both. Applicant's remarks on page 11 point to the

Art Unit: 3676

specification page 8 and highlight the "optional use" of the adaptor. However, claim 26 does not present the configurations in the alternative, but rather claims both configurations in a product claim. In claiming both configurations, the scope of the lock assembly is unclear and indefinite. Furthermore, on page 12 of the remarks, line 2, Applicant argues that one would understand the adjustment from one configuration to the other "by removal of the first extension bolt". However, in a product claim, structure that has been recited cannot then be removed. This scenario can only be present in a method claim. It is further noted that applicant's arguments regarding claim 26 are method arguments and not relevant to the product claim. Accordingly, claims 26,28-34 are indefinite since the scope of the claims cannot clearly be ascertained as written. Applicant could perhaps present a Jepson type claim reciting the conventional door lock assembly, actuator and bolt and wherein the improvement comprises providing an adaptor to space the bolt.

In addition, the following lack proper antecedent basis: in claim 1, line 9, "said connection"; and in claim 26, the last line "the bolt axis".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3676

5. Claims 1-3,5,16,17,19-22,35,37 are rejected under 35 U.S.C. 102(b) as being anticipated by Ericson 654,579. Ericson teaches a conventional door lock assembly (A) comprising a central lock unit (H) with a movable actuator (I), an extension bolt (B), and an adaptor (J) removably attached at one end to the actuator (I) by a fastener projection (K) and at the other end spaced from the actuator to the threaded bolt (B,b) such that the length of the adaptor body (J) spaces the bolt from the actuator axis to accommodate various door structures and dimensions.

6. Claims 1,8,11,12,14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunt 5,042,851. Hunt teaches a multi-point door lock assembly comprising a central lock unit, a movable actuator (52), first and second extension bolts (CR) and first and second adaptors (58) removably attached at one end to the actuator by a fastener projection (66) and at the other end spaced from the actuator to the threaded bolt (CR) such that the length of the adaptor body (58) spaces the bolt from the actuator axis to accommodate various door structures and dimensions.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6,7,23,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericson 654,579. Ericson fails to explicitly teach an adaptor with a length between

Art Unit: 3676

the actuator and lock bolt of between ¼ inch and ¾ inch. It would have been an obvious matter of design choice to make the adaptor within the claimed range, since a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt '851 in view of Ericson '579. Hunt teaches the multi-point door lock assembly, actuator (52), first and second extension bolts (CR) and first and second adaptors (58) discussed above, but fails to provide threaded attachment of the adaptor to the bolt, instead using pins. Ericson teaches the threaded bolt received in the threaded adaptor (J) as discussed above. It would have been obvious to one of ordinary skill in the art to modify the connection means of Hunt by substituting threaded fastening as taught by Ericson as a well known functional equivalent.

Allowable Subject Matter

10. Claim 36 is allowed.

Response to Arguments

11. Applicant's arguments with respect to claims 1-3,5-8,11-14,16,17,19-24,26,28-35,37 have been considered but are moot in view of the new ground(s) of rejection. Sine applicant's remarks have clarified the invention to some degree with respect to claims 1-3,5-8,11-14,17,17,19-24,35,37, new grounds of rejection are now presented. Accordingly, this action is non-final.

Art Unit: 3676

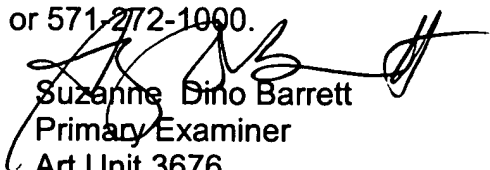
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the L-shaped adaptor 115 of Labelle 4,315,648.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb